

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

IN RE:)
)
CARLILSE TISDALE,) CHAPTER 13 BANKRUPTCY
) CASE NO. 92-40936
)
DEBTOR)

ORDER

____It has come to the attention of the Court that the Debtor is a party to a settlement of a personal injury claim after the filing of this Chapter 13 case. There has been no application for authorization to settle any such claim. Further, there has been no order authorizing either the settlement or the payment of attorney's fees. The Debtor's attorney in the Chapter 13 case represents to the Court that the Debtor is represented in the personal injury action by Mr. Bobby Phillips.

The matter of settlement of personal injury suits has been the subject of an order by Judge Lamar W. Davis, Jr., issued in the case of Reine Simone Smith, Chapter 7 Case No. 92-41814 (Bankr. S.D.Ga., April 26, 1995). That order provides that any such settlement can only be consummated by a Chapter 13 debtor and after the filing of a proper application for settlement authorization pursuant to an order authorizing the settlement. Any such application would detail the

circumstances of the case and the settlement together with all proposed disbursements including attorney's fees.

The Debtor has turned over his portion of the proceeds of the settlement to the Chapter 13 Trustee. This order is directed to the Debtor's attorney, Mr. Bobby Phillips, and instructs that Mr. Phillips likewise turn over the entire amount of the proceeds from that personal injury settlement in accordance with Judge Davis' order in the Smith case. Thereafter, the Court will entertain a motion to authorize settlement and will consider such disbursements including attorney's fees as are deemed to be appropriate after notice and hearing as required by 11 U.S.C. § 363 and Fed.R.Bankr.P. 2002.

The Clerk of Court is specifically requested to serve Mr. Phillips with a copy of this order together with a copy of the Court's decision in the Smith case.

SO ORDERED this ____ day of May, 1995.

JAMES D. WALKER, JR., Judge
United States Bankruptcy Court

CERTIFICATE OF SERVICE

I, Cheryl L. Spilman, certify that a copy of the attached and foregoing was mailed to the following:

Charles W. Bell
Attorney At Law
P. O. Box 9702
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Carlisle Tisdale
11 Earl Court
Savannah, GA 31406

Sylvia Ford Brown
Chapter 13 Trustee
P. O. Box 10556
Savannah, GA 31412

Mr. Bobby Phillips
Attorney At Law
402 E. Liberty Street
Savannah, GA 31401

This 17th day of May, 1995.

Cheryl L. Spilman
Deputy Clerk
United States Bankruptcy Court